

Employee Personnel Manual Revisions

Section 2

January 8, 2020

Section 2.1 Tobacco-Free Workplace

- E-cigarettes were added to the definition of “tobacco products.”

Section 2.2 Drug/Alcohol-Free Workplace

- Added language to specify that being under the influence or effect of a controlled substance or drug in the workplace, while on call, or while engaged in City business is prohibited.
- Added language to clarify that law enforcement officers are prohibited from consumption, possession, sale, purchase or delivery of cannabis or cannabis-infused substances, even when off duty.
- Added language to better define what is considered a controlled substance or drug.
- Added language specifying that an employee with a blood alcohol concentration of .02 or more will be considered under the influence of alcohol.

Section 2.3 Alcohol/Substance Abuse Rehabilitation

- Revised the language of this section as recommended by the City’s labor attorney.

Section 2.4 Employee Alcohol and Drug Testing

- Added language to the Random Testing section to specifically include employees who perform other designated safety sensitive duties.

2. Health and Safety (Revised 01/20)

2.1 Tobacco-Free Workplace

The intent of this policy is to meet the requirements of the Illinois Indoor Clean Air Act and the Smoke-Free Illinois Act and to ensure that all employees have a safe and clean workplace environment.

Smoking, and the use of tobacco products, including e-cigarettes, are prohibited in City buildings, confined spaces, work areas, private offices, vehicles, and equipment. Smoking is permitted only outdoors and not less than 15 feet from any door, window that can open, or other ventilation system.

Employees interested in smoking cessation programs can contact the American Cancer Society at (800) ACS-2345, the City's insurance carrier, the Employee Assistance Program (EAP) at (630) 653-4218, the DuPage County Health Department at (630) 682-7400 x7044, or the Illinois Tobacco Quitline at (866) Quit-Yes. Many of these programs are free.

2.2 Drug/Alcohol-Free Workplace (Revised 01/20)

It is the policy of the City of Warrentville to create a drug and alcohol-free workplace that is in compliance with the Drug-Free Workplace Act of 1988. The goal of the Drug-Free Workplace Act is to ensure the safety of all employees, visitors, and citizens of Warrentville and allows the City to operate effectively and efficiently. The use of alcohol, drugs, or controlled substances is inconsistent with the behavior expected of employees, as it subjects all employees, visitors, and citizens of Warrentville to unacceptable safety risks, and it undermines the City's ability to operate effectively and efficiently. Therefore, the unlawful manufacture, distribution, dispensing, possession, sale, being under the influence or effect of, or use of a controlled substance or drug in the workplace, while on call, or while engaged in business relating to the City, is strictly prohibited. Such conduct is also prohibited during nonworking time to the extent that it impairs an employee's ability to perform on the job. This policy further prohibits the consumption, possession, sale, purchase, or delivery of cannabis or cannabis-infused substances by law enforcement officers, even when off duty. Periodically, employees may be required to attend drug and alcohol-free workplace training sessions.

The substances prohibited under this policy include alcohol, any controlled substance listed in the Illinois Controlled Substances Act or Cannabis Control Act, and substances listed in Schedules I through V of the Federal Controlled Substances Act. Among other substances, the prohibitions in this policy include narcotics (heroin, morphine, opiates, etc.), cannabis (marijuana, hashish), stimulants (cocaine, crack, diet pills, etc.), depressants (tranquilizers), and hallucinogens (PCP, LSD, "designer drugs", etc.), any drug which is not legally obtainable, and any drug, which is legally obtainable, such as a prescription drug, but which is not legally obtained, is not being used for prescribed purposes, or is not being taken according to prescribed dosages, or any other intoxicating substance. An employee shall be considered to be under the influence of alcohol if there is a concentration of .02 or more based upon the grams of alcohol per 100 millimeters of blood. Results showing an alcohol concentration of .0199 or less shall be considered negative. An employee shall be considered to be "under the influence of drugs" if the employee has a confirmed

positive test result for drug use or their metabolites, or has engaged in conduct evidencing apparent impairment. The City utilizes testing laboratories certified as Substance Abuse and Mental Health Services Administration (SAMHSA) providers applying federal cutoff concentrations.

Employees convicted of controlled substance related violations, including pleas of no contest, must inform the City in writing within five days of such conviction or plea. Employees who violate any aspect of this policy may be subject to disciplinary action up to and including termination. At its discretion, the City may require employees who violate this policy to successfully complete a drug abuse assistance or rehabilitation program as a condition of continued employment. In addition, an employee must report to their supervisor, the effects from the use of prescription or non-prescription drugs that may affect job performance; this includes cannabis usage by individuals who have been issued a valid registry identification card by the Department of Public Health under the Compassionate Use of Medical Cannabis Pilot Program Act.

2.3 Alcohol/Substance Abuse Rehabilitation (*Revised 01/20*)

Employees who have drug or alcohol problems are strongly urged to seek such assistance before becoming subject to discipline or discharge under this or other City policies. No employee will be disciplined for seeking such assistance. Employees who seek such assistance will be allowed to use accrued paid time off, if available, and afforded a leave of absence when consistent with City policies and applicable laws.

2.4 Employee Alcohol and Drug Testing (*Revised 01/20*)

All employees of the City of Warrenton are subject to drug and alcohol testing. Drug and alcohol testing may be conducted as follows:

1. Random Testing: Any full-time, part-time, permanent, and temporary employee who regularly operates, or may operate, a City vehicle or heavy equipment or who performs other designated safety sensitive duties at any time during the scope of their employment, will be subject to random drug and alcohol testing.
2. Post-accident Testing: Alcohol and drug tests may be conducted on all employees involved in an accident when a supervisor has reasonable cause to suspect that an accident or injury may be drug or alcohol related. There will be no retaliation for reporting work-related injuries or illnesses.
3. Testing may also be conducted when an employee commits an unsafe act that may have caused a serious accident or incident, including near misses, in which safety precautions were violated, unsafe instructions or orders were given, vehicles/equipment/property were damaged, or unusually careless acts were performed. This testing will be at the discretion of the supervisor or management.
4. Reasonable Suspicion: When a trained supervisor has reasonable suspicion, or observes behavior, speech, appearance, or body odors that may be characteristic of substance

misuse, the supervisor shall document his/her observations and the City Administrator shall review these observations.

5. Reasonable Cause: At its discretion, the City may require employees who violate this policy to successfully complete a drug abuse assistance or rehabilitation program as a condition of continued employment.
6. Testing may also be conducted as required by state or federal laws.

Employees who test positive for either alcohol or drugs, or refuse to submit to alcohol and drug testing, may be subject to disciplinary action, up to and including termination of employment.

The City will offer the employee the opportunity to respond to the determination regarding impairment when an employee is subject to discipline due solely to the City's determination that the employee is impaired by the use of cannabis in the workplace.